

REMARKS/ARGUMENTS

This is in response to the Final Official Action dated September 19, 2007.
Reconsideration is respectfully requested.

Claim rejections under 35 USC § 103

The Examiner maintained his rejection of claim 1 as being unpatentable over Lautenschlager US Patent 4,251, 900 in view of Beneke et al US Patent 5,012, 551. In response, Applicant respectfully asserts that the primary reference of Lautenschlager does not disclose that a portion of one of the joint arms forming the hinging mechanism comprises two elements which are telescopically displaceable longitudinally to each other. An element in claim 1 clearly provides

“wherein a damping device, which is effective at least during a part of a displacement movement of the joint arm portions relative to one another is provided between the two joint arm portions (24a; 24b) and wherein the joint arm portions (24a; 24b) which are displaceable relative to one another, are constructed so that they engage telescopically”.

Such element is missing for the Lautenschläger reference and such deficiency is not cured by the secondary reference of Benecke.

In the Lautenschläger reference the joint arm 28 (corresponding to joint arm 24 in the present application) is a rigid structural member, i.e. comprises no telescopically displaceable sub-members. In contrast thereto displacement of the rigid joint arm 28 of Lautenschläger is realized between the end of the arm 28 and the supporting wall-related member 20 (corresponding to the carcass mounting member 16 of the present application) which is to be rigidly secured to the supporting wall of the carcass of a furniture cabinet. Contrary to the examiners contention, Lautenschläger does not disclose a telescopic engagement of two arm portions. Contrary to the examiners definition on page 4 of the office action, “telescopically engaging” means that the longitudinal axes of both arm portions coincide or at least remain parallel during the relative displacing movement of the arm portions. In the arrangement provided by Lautenschläger, the longitudinal axes of the joint arm and the carcass mounting part

neither coincide nor remain parallel during the relative displacement thereof but extend under angles altering during the displacement thereof. Applicant points out that this is a significant structural difference. In the Benecke reference, the telescopically displaceable members (i.e. the cylinder 12 and the piston rod 9) are not parts of a member of the hinging mechanism (which is formed in the Benecke-hinge by lever arms 5 and 6 respectively) but of a separate dumping device 10 the cylinder which is secured to the hinge arm 7 (corresponding to the mounting plate 16 of the present application), while the free end of the piston rod 9 is articulated to a lever arm 8 of the lever 6.

Thus, the combination of the Lautenschläger and Benecke reference does not result in the arrangement claimed in claim 1. Accordingly, claim 1 is patentable and the rejection should be withdrawn.


CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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